



# UNITED STATES PATENT AND TRADEMARK OFFICE *A*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,966	12/08/2000	Hiroshi Odagiri	S004-4157	3820

7590

12/05/2003

Adams & Wilks  
50 Broadway  
31st Floor  
New York, NY 10004

EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/732,966

Applicant(s)

ODAGIRI ET AL.

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a) because they fail to show 101 in figure 1 on page 10 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1. Claims 1, 3-5, 8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew (US 5,724,417).**

As to claim 1, Bartholomew inherently teaches an information processor (figure 1) comprising:

A transmitter (transceiver 11) to transmit a signal receivable only in the range of a predetermined distance to another information processor previously assigned;

A receiver (transceiver 11) to receive a reply signal sent from said another information processor in response to the signal transmitted by said transmitter (39);

a decision circuit to make a determination as to whether the reply signal has been received by said receiver (col.11, lines 12-40); and

a processing operation controller (13) to execute a predetermined processing operation depend upon the result of the determination made by said decision circuit (col.12, lines 21-62).

As to claim 3, Bartholomew teaches an information processor comprising:

a first receiver to receive a signal transmitted from an external device (telephone 17 receives incoming signal from remote CO or PBX 19).

a transmitter (transceiver 11) to transmit a signal receivable only in the range of a predetermined distance to another previously assigned information processor when a signal is received by said first receiver;

a second receiver (transceiver 11) to receive a reply signal sent from said another information processor in response to signal transmitted by said transmitter (39).

a decision circuit to make a determination as to whether the reply signal has been received by said second receiver; and an alert circuit to perform alerting with respect to the reception of the signal by said first receiver depending upon the result of the determination made by said decision circuit (col.12, lines 21-62, no longer forwarded incoming calls to this associated device).

As to claim 4, Bartholomew inherently teaches an information processor according to Claim 1, further comprising changeover circuit to change said transmitter between the mode of transmitting to said another information processor and the mode of not transmitting (col.12, lines 21-62).

As to claim 5, the limitation of the claim is the same as claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 8, the claim is a method of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 10, the claim is a method of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 11, the claim is a computer program of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

As to claim 12, the claim is a computer program of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### **2. Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew in view of Kita (US 5,960,367).**

As to claim 6, Bartholomew teaches an information processor according to Claim 1. Bartholomew failed to teach said another information processor is an information processor wearable on a wrist. Kita teaches another information processor is an information processor wearable on a wrist (figure 1, 27). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kita into the system of Bartholomew in order to wear the device on the hand.

As to claim 7, the limitation of the claim is the same as claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

### ***Allowable Subject Matter***

Claims 2 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 2 and 9, the teaching of Bartholomew and Kita either alone or in combine fails further teach the comprising operation command circuit to issue commands to perform operations, wherein said transmitter transmits the signal receivable only in the range of the predetermined distance to said another previously assigned information processor if a predetermined operation command is issued from said operation command circuit, and wherein said processing operation controller executes a processing operation corresponding to the operation command issued by said operation command circuit depending upon the result of the determination made by said decision circuit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Kobayashi (US 6,633,759) teaches the communication system and the mobile device, portable information process device, and data communication method used in the system.

B. Pettersson (US 6,615,057) teaches the method and arrangement for communicating subscriber related data in a wireless communication system.

C. Jones (US 6,606,506) teaches the personal entertainment and communication device.

D. Kivela et al (US 6,272,359) teaches the personal mobile communications device having multiple units.

E. Barrett et al (US 5,943,628) teaches the radio telephone proximity detector.

F. Bero et al (US 6,563,427) teaches the proximity monitor communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

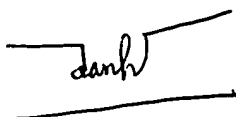
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/732,966

Page 7

Art Unit: 2683

A handwritten signature in black ink, appearing to read 'danh', is written over a horizontal line.

Danh C.Le

A handwritten signature in black ink, appearing to read 'W. Trost', is written above the printed name.

**WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**